

**REMARKS/ARGUMENTS**

Claims 35-45 have been renumbered to 36-46 in accordance with MPEP 608.01(j) since a duplicate claim number 35 existed in the preliminary amendment filed on November 5, 2004. After the foregoing Amendment, renumbered claims 11-37, 39-44, and 46 are currently pending in this application. Claims 38 and 45, previously numbered 37 and 44, have been canceled without prejudice. Claims 11, 19-21, 32, 36, 37, 39-44, and 46 have been amended to more distinctly claim subject matter which the Applicant regards as the invention. Applicant submits that no new matter has been introduced into the application by these amendments.

**Claim Objections**

The Examiner objected to claims 29, 31, 36, 37, 39, and 42-44 as being dependent upon a rejected base claim. Claims 21, 32, and 40 (renumbered as claim 41) have been amended in order to place the case in conditions for allowance, making the objections moot. The withdrawal of the objection to the claims 29, 31, 36, 37, 39, and 42-44 is respectfully requested.

**Double Patenting Rejection**

Claims 11-18 are rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claim 1

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of U.S. Patent No. 6,715,089. Claim 11 has been amended to incorporate the matter of claim 37 (renumbered as claim 38), therefor making the rejection moot. The withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 11-18 is respectfully requested.

**Claim Rejections - 35 USC § 102(b)**

Claims 11, 12, 15, 17, 19-28, 30, 32-35, 38, 40, and 41 stand rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,774,704 to Williams (Hereinafter "Williams"). Claims 11, 19-21, 32, and 40 (renumbered as claim 41) have been amended to incorporate the matter of claim 37 (renumbered as claim 38) which the Examiner noted as being allowable if written in independent form, therefore making the rejection of the claims moot. Williams does not disclose "analyzing the types of stored instructions in at least one queue coupled to the at least one processor and assigning a weight to each one of the instructions based on the intensity of processing required for each one of the instructions."

Claims 12, 15, 17, 22-28, 30, 33-35 and 41 are dependent upon claims 11, 21, 32, and 40, which the Applicant believes is allowable over the cited prior art of record for the same reasons provided above.

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Based on the arguments presented above, withdrawal of the 35 USC § 102(b) rejection of claims 11, 12, 15, 17, 19-28, 30, 32-35, 38, 40-41 is respectfully requested.

Claim 45 stands rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,815,693 to McDermott (Hereinafter "McDermott"). Claim 45 (renumbered as claim 46) has been amended to incorporate the matter of claim 37 (renumbered as claim 38) which the Examiner noted as being allowable if written in independent form, therefore making the rejection of the claim moot. McDermott does not disclose "analyzing the types of stored instructions in at least one queue coupled to the at least one processor and assigning a weight to each one of the instructions based on the intensity of processing required for each one of the instructions."

Based on the arguments presented above, withdrawal of the 35 USC § 102(b) rejection of claim 45 is respectfully requested.

**Claim Rejections - 35 USC § 103(a)**

Claims 13, 14, and 16 stand rejected under 35 USC § 103(a) as being unpatentable over Williams in view of US Patent No. 4,670,837 to Sheets (Hereinafter "Sheets"). Claims 13, 14, and 16 are dependent upon claim 11 which has been amended to incorporate the matter of claim 37 (renumbered as claim 38)

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which the Examiner noted as being allowable if written in independent form, therefore making the rejection of the claims moot. Williams in combination with Sheets does not disclose "analyzing the types of stored instructions in at least one queue coupled to the at least one processor and assigning a weight to each one of the instructions based on the intensity of processing required for each one of the instructions."

Based on the arguments presented above, withdrawal of the 35 USC § 103(a) rejection of claims 13, 14, and 16 is respectfully requested.

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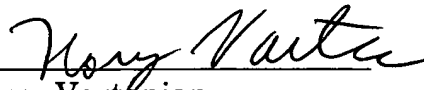
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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